THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil W.P. (M/S) No. 233 of 2006

1. Vijay Singh S/o Sri Fateh Singh.
2. Ishwar Singh S/o Fateh Singh
3. Kishori S/o Fatesh Singh
   All R/o Village Phoolgarh, Tehsil and
   District- Haridwar. … **Petitioners.**

Versus

1. State of Uttaranchal through Assistant Collector/
S.D.M. Haridwar, District- Haridwar.

2. State Bank of India, Agriculture Development Branch,
Roorkee, Tehsil Roorkee, District Haridwar through its
Branch Manager. … **Respondents.**

Sri P.Saini, Advocate, learned counsel for the petitioners.
Learned Standing Counsel for the respondent no. 1.
Sri D.S.Patni, Adv., learned counsel for the respondent no.2.

Dated March 10, 2006.
PC:
(Hon'ble B.S. Verma, J.)

The writ petition has been moved for quashing the impugned recovery citation dated 4-9-2003 issued by respondent no.1 (Annexure- 2 to the writ petition) against the petitioners.

Brief facts of the case are that the petitioners took agricultural loan of Rs. 2,00,000/- on 19-5-1998 for purchase of tractor from the respondent no.2 and he was required to repay the loan. Due to crop failure, the petitioners became defaulter. Ultimately, recovery citation for recovery of Rs. 3,35,610/- was issued against the petitioners by the respondent no.1 (Annexure No.1). Therefore new recovery citation was issued for recovery of Rs. 2,95,610/- (Annexure No.2).

In the course of arguments, the learned counsel for the petitioner submitted that the petitioners are willing and ready to repay the outstanding amount under the impugned recovery citation (Annexure-2) and they may be allowed to repay amount of Rs.

1,00,000 (one lac) within a period of one month and for the rest of the amount, they are ready to repay the loan amount in four equal quarterly instalments.

Having considered the submissions of the learned counsel for the parties, the recovery under citation shall remain stayed provided the petitioners repay amount of Rs. 1,00,000/- (one lac) under the impugned citation (Annexure 2) within one month from today and the rest of the amount under recovery citation shall be payable by them in four equal quarterly instalments (i.e within a period of one year) before the Recovery Officer. The first quarterly instalment shall fall due on 1st of May 2006 and the subsequent instalments shall fall due after every three months thereafter. It is made clear that in case of default by the petitioners, this order shall stand automatically vacated and the respondents shall be at liberty to recover the entire loan amount in lump sum.

The Writ Petition is disposed of finally with the above observation.

A copy of this order be issued to the learned counsel for the petitioners today on payment of usual charges.

(B.S. Verma, J.)

RCP